

The Regular meeting of the Finance/Executive Committee of the Atlanta City Council was held Monday, November 9, 2009 at 10:00 a.m. in Committee Room #2, City Hall South, 2nd Floor.

Present:	Councilmember Howard Shook, Chair	Jim Glass, CFO
	Councilmember Felicia A. Moore	Departmental Staff
	Councilmember Carla Smith	
	Councilmember Clair Muller	
	Councilmember Jim Maddox	
	Councilmember Cleta Winslow	

Chairperson Shook called the meeting to order at 10:10 a.m. after declaring a quorum present. The Committee members present were introduced as follows: Councilmembers Felicia A. Moore, Carla Smith, Clair Muller, Jim Maddox and Cleta Winslow. Other Departmental staff was present as well.

The Agenda was adopted as printed with one new First Read Ordinance and one new Resolution. The minutes of the Finance/Executive Committee October 28, 2009 were adopted as well.

DISCUSSION ITEM

REPORT OF FIRST QUARTER AND FORECAST FOR THE REMAINDER OF FY 2010

Mr. Roosevelt Council: Chief of Budget and Fiscal Policy addressed the Committee by stating that we have provided the September activities. The revenue projections and expenditures are included. Our revenues shows that we budgeted \$31,701 million dollars and the actual were \$29.354 million dollars with a difference of \$2.4 million dollars. That adjustment takes place at the end of the year. At the bottom is the expenditures of \$49 million dollars and actuals were \$48 million dollars with a deficit of \$1.7 million dollars. To the right the year to date shows a budget of \$78 million dollars with revenues of \$73 million dollars. Expenditures show \$123 million dollars and actuals of \$113 million dollars. We are underspending by \$4.6 million dollars. Councilmember Moore stated that the City Attorney's position stuck out. Isn't it an Interim position? She is curious how you discounted it. Mr. Council responded that it shows his current salary. Councilmember Moore asked if some of the things not counted for are anticipated. Can't we look at the bottom line figure? It does not give a true picture. Chairperson Shook stated that most of them have timing issues. Mr. Council responded that the budget shows \$112 million dollars. CFO Glass added that we recognized the tax payments from Fulton County are delayed. By now we would have received all of our property tax payments. Councilmember Moore asked about property tax payments being sent from the mortgage companies. CFO Glass responded that they are getting the escrow payments. Councilmember Muller asked about a bridge law. CFO Glass said that we are prohibited from doing a bridge law, but we are doing Tax Anticipation Notes that they will hold and sell at the end of the year. We got a debt period in the month of December. We probably can't get it done before February. The date will be January forth. His biggest concern is the Worker's Comp area. It deals with large expenses that we had from former catastrophically ill employees. He also knows that we have an obligation. We seem to be in good shape. We feel good about having nailed the property tax in the budget. The other issue is an effort to put more Police in the street.

Mr. Gary Donaldson: Director of Revenue addressed the Committee by stating that the forecast for the year is \$541 million dollars. We are on target with meeting the anticipations. We have some sensitive revenue items that are not performing that well. Chairperson Shook thanked the staff for the ability to review the figures. Mr. Council responded that on the last page is the projection for the expenditures. We have the Departments and the Adopted Budget by Departments as well as October through the end of June. Next we have the variance and adopted Budget. It is important to be aware of that each quarter we meet with the Departments for them to look at their

budget and give a projection. Councilmember Muller asked if quarterly is often enough. Mr. Council responded that we send out this template to the Departments. We go over their variances and the reasons for them. Everybody is in line. The total line is \$25.051 million dollars, which is the Restricted Reserve and the surplus for the end of the year (5%). CFO Glass added that we believe that we can offset the Worker's Comp overrun. This is an area that is under budgeted. Councilmember Moore asked why. CFO Glass responded that there are certain things happening with the catastrophic officers as well as vehicles that are of age that have mechanical problems.

CONSENT AGENDA

TO SUPERVISE THE EXPENDITURE OF FUNDS

09-O-2006 (1) An Ordinance by Finance/Executive Committee authorizing the Mayor and the Chief Financial officer to supervise the expenditure of Funds for subsequent transfers and assure the Close Out of Fiscal Year 2009; and for other purposes.

FAVORABLE ON FIRST READ

TO AMEND THE FY 2010 AIRPORT RENEWAL AND EXTENSION FUND (5502) BUDGET

09-O-2007 (2) An Ordinance by Finance/Executive Committee to amend the FY 2010 Airport Renewal and Extension Fund (5502) Budget by transferring to and from Appropriations the amount of \$50,000,000, to establish an Operating and Maintenance Reserve Account in the amount of one quarter (1/4) of the budgeted operating expenses for Fiscal Year 2010; and for other purposes.

FAVORABLE ON FIRST READ

TO ESTABLISH A SHOWMOBILE OPERATOR TRUST ACCOUNT FUND

09-O-2008 (3) An Ordinance by Finance/Executive Committee authorizing the Chief Financial Officer or his Designee to establish a Showmobile Operator Trust Account Fund, on behalf of the Department of Parks, Recreation and Cultural Affairs, for the purpose of accepting receipts from the Department's Showmobile Rentals; and for other purposes.

FAVORABLE ON FIRST READ

TO WAIVE CHAPTER 2, ARTICLE X, SECTION 2.1206

09-O-2009 (4) An Ordinance by Finance/Executive Committee to waive Chapter 2, Article X, Section 2.1206 of the Procurement and Real Estate Code, of the City of Atlanta Code of Ordinances in order to authorize the Chief Procurement Officer to extend the terms of the Contract FC-4844, Special Procurement for Financial Consultant, Mr. Ian Cooper, between the City of Atlanta and CFO Catalyst LLC, formerly d/b/a Ian Cooper for a period of five months with a termination date of July 31, 2010 in an amount up to ninety seven thousand dollars (\$97,000); all contracted work shall be charged to and paid from Fund, Department Organization and Account Number 1001 (General Fund) 10010 (DOF Chief Financial Officer) 5212001 (Consulting/Professional Services) 1320000 (Chief Executive).

FAVORABLE ON FIRST READ

TO WAIVE THE PAYMENT PROVISIONS

- 09-O-2017 (5) An Ordinance by Finance/Executive Committee authorizing the Mayor or her designee to waive the Payment Provisions contained in the City of Atlanta Code of Ordinances Article X, Procurement and Real Estate Code, to ratify the prior provisions of the Cisco Smartnet Hardware Maintenance and Support Services from August 1, 2009 to November 15, 2009 and, utilize Georgia Technology Authority Contract Number S000546-043 to purchase Cisco Smartnet Maintenance and Support Services from Cisco Systems for eleven (11) months in an amount not to exceed \$148,036.21; all funds to be charged to and paid from Fund, Department Organization, and Account Numbers 1001 (General Fund) 050202 (IT Applications) 5410001 (Consulting/Professional Services – Capital) 1535000 (Data Processing/Management Information Systems); and for other purposes.

FAVORABLE ON FIRST READ

TO WIAVE THE PAYMENT PROVISIONS

- 09-O-2018 (6) An Ordinance by Finance/Executive Committee authorizing the Mayor or her designee to waive the Payment Provisions contained in the City of Atlanta Code of Ordinances, Article X, Procurement and Real Estate Code, to ratify the prior provisions of Support Services by International Business Machines Corporation since July 1, 2009 for Hardware and Software Maintenance and Support, on behalf of the Department of Information Technology in an amount not to exceed \$151,174.07; all funds to be charged to and paid from Fund, Department Organization, and Account Numbers 1001 (General Fund) 050212 (IT Server Management) 5222002 (Repair & Maintenance–Equipment) 1535000 (Data Processing/Management Information Systems); and for other purposes.

FAVORABLE ON FIRST READ

REGULAR

TO PROVIDE FOR THE ANNEXATION OF PROPERTY

- 09-O-1864 (1) An Ordinance by Finance/Executive Committee to provide for the annexation of property located at 1500 Kay Lane to the corporate limits of the City of Atlanta, Georgia pursuant to the 100% method; to authorize the Law Department to seek preclearance from the United States Department of Justice and to notify the Georgia Department of Community Affairs of such annexation; and for other purposes.

FAVORABLE AND HOLD AT FULL COUNCIL

Councilmember Muller asked if there is a cost for the Annexation and services.

Mr. Peter Andrews: Senior Assistant City Attorney addressed the Committee by stating that it is part of the 60% method, but it is easier for the 100% method. It has to be contiguous to the City Limits. Councilmember Muller offered a motion to **Approve and Hold at Full Council, 5 Yeas.**

TO ANTICIPATE AND APPROPRIATE GRANT FUNDS

- 09-O-1865 (2) An Ordinance by Finance/Executive Committee to anticipate and appropriate Grant Funds in the total amount of \$13,977,695 to be received from the Federal Aviation Administration's Offer Via Grant Agreement AIP 3-13-0008-90, for the payment of the United States share of 100% of allowable costs incurred in accomplishing the project listed as "Construct Apron, Phase II"; and for other purposes.

FAVORABLE

Councilmember Maddox offered a motion to **Approve, 5 Yeas.**

TO ANTICIPATE AND APPROPRIATE GRANT FUNDS

- 09-O-1866 (3) An Ordinance by Finance/Executive Committee to anticipate and appropriate Grant Funds in the total amount of \$7,659,130 to be received from the Federal Aviation Administration's Offer Via Grant Agreement AIP 3-13-0008-91, for the payment of the United States share of 75% of allowable costs incurred in accomplishing the project listed as "Construct Apron, Phase III"; and for other purposes.

FAVORABLE

Councilmember Maddox offered a motion to **Approve, 5 Yeas.**

TO AMEND THE FY 2010 () BUDGET

- 09-O-1897 (4) A **Substitute** Ordinance by Finance/Executive Committee amending the FY 2010 () Budget by adding to anticipations and appropriations in the amount of \$_____ for insurance proceeds received for damage to City-Owned Property caused by flooding which occurred as a result of heavy rainfall beginning September 18, 2009; and for other purposes. **(Finance/Executive Committee conditional passage of receiving a Substitute on Monday, 11/9/09)**

FORWARD WITH NO RECOMMENDATION ON SUBSTITUTE ON CONDITION

Chairperson Shook stated that we have a Substitute. CFO Glass responded that we should get around \$10.5 million dollars. We have to determine how it is to be spread around the different Departments. This paper is time sensitive. We want to move it forward with a Substitute on Monday. Councilmember Smith offered a motion to move **Forward on Condition of receiving the Substitute on Monday.**

TO AMEND THE FY 2010 () BUDGET

- 09-O-1898 (5) An Ordinance by Finance/Executive Committee amending the FY 2010 () Budget by adding to anticipations and appropriations in the amount of \$_____ for funding received from the Federal Emergency Management Agency for damage to City-Owned Property caused by flooding which occurred as a result of heavy rainfall beginning September 18, 2009; and for other purposes.

HELD

Ms. Diane Harnell-Cohen: Commissioner of the Department of Parks, Recreation and Cultural Affairs addressed the Committee by stating that she wants the paper Held. We want the insurance paper to get passed first. We do not have a Substitute for this paper right now.

TO AMEND CHAPTER 114, PERSONNEL, ARTICLE “V”, CLASSIFICATION PLAN

09-O-1901 (6) An Ordinance by Councilmember Jim Maddox to amend Chapter 114, Personnel, Article “V”, Classification Plan of the Code of Ordinances, City of Atlanta, Georgia, so as to transfer certain positions; and for other purposes.

FAVORABLE

Ms. Sherry Dickerson: of the Department of Human Resources addressed the Committee by stating that this transfers some positions from Trust Fund Accounts for AWDA. Councilmember Moore offered a motion to **Approve, 5 Yeas.**

TO TRANSFER FUNDS FROM THE DISTRICT 11 COUNCILMEMBER CARRY FORWARD ACCOUNT

09-O-1906 (7) An Ordinance by Councilmember Jim Maddox **as Substituted by Finance/Executive Committee (1), 11/9/09** transferring Funds from the District 11 Councilmember Carry Forward Account to existing City of Atlanta Department of Parks, Recreation and Cultural Affairs and Department of Public Works Fund Accounts to fund operations and projects; and for other purposes. **(Finance/Executive Committee conditional passage of receiving a Substitute on Monday, 11/9/09)**

FORWARD WITH NO RECOMMENDATION ON SUBSTITUTE ON CONDITION

Mr. Sterling Thomas: of the Office of Budget and Fiscal Policy addressed the Committee by stating that we had to clarify certain amounts and the Substitute will be ready on Monday. Councilmember Smith offered a motion to **Forward with no Recommendation on Condition, 5 Yeas.**

TO WAIVE THE SOURCE SELECTION PROVISIONS

09-O-1908 (8) An Ordinance by Councilmember Kwanza Hall **as Substituted by Finance/Executive Committee (1), 11/9/09** to waive the Source Selection Provisions of Article X (“The Procurement and Real Estate Code”) of the Atlanta City Code and authorizing the Mayor or her Designee to enter into an Agreement with Atlanta Gas Light Company pursuant to the Atlanta City Charter Subsection 6-402; to provide Gas Energy Efficient Improvements to the Atlanta Civic Center on behalf of the Department of Parks, Recreation and Cultural Affairs, Boisfeuillet Jones Atlanta Civic Center, in an amount not to exceed \$1,901,000.00; all contracted work will be charged and paid from Account Segment Numbers identified in this Ordinance; and for other purposes. **(Finance/Executive Committee Substitute corrects a typo for the total amount, 11/9/09)**

FAVORABLE ON SUBSTITUTE

Commissioner Harnell-Cohen stated that the Substitute corrects a typo for the not to exceed amount. The amount has not changed. Councilmember Maddox offered a motion to **Approve, 5 Yeas.**

TO AMEND CHAPTER 114, PERSONNEL, ARTICLE “V”, CLASSIFI-CATION PLAN

- 09-O-1912 (9) An Ordinance by Councilmember Clair Muller to amend Chapter 114, Personnel, Article “V”, Classification Plan of the Code of Ordinances, City of Atlanta, Georgia, so as to create a position, reclassify a position and provide above entry hiring authorization in the Division of Sustainability; and for other purposes.

HELD

TO AMEND THE FY 2010 (INTERGOVERNMENTAL GRANT FUND) BUDGET

- 09-O-1913 (10) An Ordinance by Councilmember Clair Muller amending the FY 2010 (Intergovernmental Grant Fund) Budget, Department of Executive Offices, by adding to Anticipations and Appropriations in the amount of \$5,658,264.00 for the U.S. Department of Energy’s Energy Efficiency and Conservation Block Grant; and for other purposes.

HELD

TO AMEND THE FY 2010 GENERAL FUND BUDGET

- 09-O-1914 (11) An Ordinance by Councilmember Felicia A. Moore **as Substituted by Finance/Executive Committee (1), 11/9/09** authorizing the Chief Financial Officer to amend the FY 2010 General Fund Budget by transferring Appropriations in the amount of \$700,000.00 from Non-Departmental to various Departments affected by the flood within the General Fund and to establish Projects to assist with the Flood Recovery; and for other purposes. **(Finance/Executive Committee Substitute corrects the FDOA, 11/9/09)**

FAVORABLE ON SUBSTITUTE

Chairperson Shook stated that we have a Substitute to correct the FDOA. Councilmember Moore offered a motion to **Approve on Substitute, 5 Yeas.**

TO AMEND THE CITY OF ATLANTA OCCUPATION TAX ORDINANCE

- 09-O-1916 (12) An Ordinance by Councilmember Howard Shook **as Substituted by Finance/Executive Committee (1), 11/9/09** amending the City of Atlanta Occupation Tax Ordinance for the purpose of clarifying the operation of Sec. 146-38; and for other purposes. **(Finance/Executive Committee Substitute..., 11/9/09)**

FAVORABLE ON SUBSTITUTE

Councilmember Moore offered a motion to **Approve on Substitute, 5 Yeas.**

TO AMEND THE FY 2010 (WATER AND WASTEWATER REVENUE BOND FUND) BUDGET

- 09-O-1917 (13) An Ordinance by Councilmember Howard Shook **as Substituted by Finance/Executive Committee (1), 11/9/09** to amend the FY 2010 (Water and Wastewater Revenue Bond Fund) Budget by adding to Anticipations and Appropriations Bond Proceeds in the amount of \$449,275,138.85 for the City of Atlanta’s Water and Wastewater Revenue Bonds, Series 2009B; and for other

purposes. **(Finance/Executive Committee Substitute corrects the wording and formatting, 11/9/09)**

FAVORABLE ON SUBSTITUTE

Ms. Maria Runnells: of the Office of Debt and Investment addressed the Committee by stating that this corrects some of the wording and formatting. Councilmember Moore offered a motion to **Approve on Substitute, 5 Years.**

TO AUTHORIZE (1) THE PURCHASE IN LIEU OF REDEMPTION OF CITY OF ATLANTA TAX ALLOCATION BONDS (BELTLINE PROJECT)

09-O-1918 (14) An Ordinance by Councilmember Howard Shook to authorize (1) the purchase in lieu of redemption of City of Atlanta Tax Allocation Bonds (Beltline Project), Series 2008 A/B/C Bonds (The "Series 2008 Bonds") in the outstanding aggregate principal amount of \$64,500,000 which have been tendered for purchase by their holders, (2) the execution and delivery of an amended and restated First Supplemental Indenture of Trust in order to establish, among other things, a Fixed Rate Mode and a Debt Service Reserve Fund (3) ratification of the preparation, use and distribution of a (Preliminary Official Statement) (Limited Offering Memorandum) in connection with the reoffering of Series 2008 Bonds (4) paying expenses incident to accomplishing all of the foregoing, (5) certain other related actions, all in connection with the reoffering of the foregoing described Series 2008 Bonds; and for other purposes.

FORWARD WITH NO RECOMMENDATION

Ms. Clair Coleman: Senior Assistant City Attorney addressed the Committee by stating that we will not have the financing by the end of the year. **09-O-1918** authorizes us to purchase the Bonds. **09-O-1919** authorizes \$13 million dollars in Bonds that were validated with the 2008 Bonds. The pricing is on December 1st and approval on December 2nd at a Special Called meeting. Councilmember Maddox offered a motion to move **Forward with no Recommendation, 5 Years, 1Abstention.**

TO AUTHORIZE (1) THE ISSUANCE AND SALE OF \$ _____ CITY OF ATLANTA TAX ALLOCATION BONDS (BELTLINE PROJECT)

09-O-1919 (15) An Ordinance by Councilmember Howard Shook to authorize (1) the Issuance and Sale of \$ _____ City of Atlanta Tax Allocation Bonds (Beltline Project), Series 2009A (The "Series 2009A Bonds") \$ _____ City of Atlanta Tax Allocation Bonds (Beltline Project), Series 2009B (The "Series 2009B Bonds") and \$ _____ City of Atlanta Tax Allocation Bonds (Beltline Project) Series 2009C (The "Series 2009C Bonds", and together with the Series 2009A Bonds and the Series 2009B Bonds, "The Series 2009 Bonds") in order to provide Funds to be applied towards (A) refinancing the City's previously issue Tax Allocation Bonds (Beltline Project) Series 2008 A/B/C Bonds (The "Series 2008 Bonds") outstanding in the aggregate principal amount of \$64,500,000 (B) establishing certain accounts in respect of the Series 2008 Bonds and the Series 2009 Bonds, including a Debt Service Reserve Account, capitalized interest account and costs of Issuance Account (B) to pay other related expenses, including the costs of issuing the Series 2009 Bonds, (2) the execution of a Second Supplemental Indenture of Trust providing for the Issuance of the Series 2009 Bonds; (3) the preparation, use and distribution of a (Preliminary Official State) (Limited Offering

Memorandum) in connection with the Issuance and Sale of the Series 2009 Bonds; (4) the execution and delivery of a Purchase Contract; (5) certain related actions all in connection with the Issuance of the Series 2009 Bonds; and for other purposes.

FORWARD WITH NO RECOMMENDATION

Councilmember Maddox offered a motion to move **Forward with no Recommendation, 5 Yeas, 1 Abstention.**

TO TRANSFER FUNDS FROM THE DISTRICT 9 COUNCILMEMBER EXPENSE ACCOUNT

09-O-1921 (16) An Ordinance by Councilmember Felicia A. Moore **as Substituted by Finance/Executive Committee (1), 11/9/09** transferring Funds from the District 9 Councilmember Expense Account to Park Pride on behalf of the Carver Hills Neighborhood; and for other purposes. **(Finance/Executive Committee clarifies the Account, 11/9/09)**

FAVORABLE ON SUBSTITUTE

Councilmember Moore stated that this is from her Operating Account. This is for playground equipment and she does not know how long it has been there. Commissioner Harnell-Cohen responded that the children in District 9 are impacted. It is a very small area. Councilmember Moore offered a motion to **Approve on Substitute, 6 Yeas.**

TO TRANSFER FUNDS FROM THE DISTRICT 6 COUNCILMEMBER EXPENSE ACCOUNT

09-O-1930 (17) An Ordinance by Councilmember Anne Fauver transferring Funds from the District 6 Councilmember Expense Account to existing City of Atlanta Department of Parks, Recreation and Cultural Affairs Accounts to assist in funding the purchase of equipment destroyed in the September 2009 Flood; and for other purposes. **(Finance/Executive Committee Conditional passage of receiving a Substitute by Monday, 11/9/09)**

FAVORABLE ON CONDITION

Chairperson Shook stated that this paper will be Forwarded on Condition of receiving a Substitute. Councilmember Fauver stated that the benefits were under estimated by \$24,000. She has concerns with the under estimations of other Accounts. It was explained that she does not have enough money to move the original amount. Commissioner Harnell-Cohen responded that it was decided if we didn't have the final amount, it would be moved forward. The \$170,000 number in the Substitute is correct, but it came from a misunderstanding.

Mr. Sterling Thomas: of the Office of Budget and Fiscal Policy addressed the Committee by stating that the Councilmember has her Reserve amount. Councilmember Moore stated that she has always used the Non-Departmental Reserve amount. What is the impact on the current amount? Mr. Thomas responded that there is none, everything is accounted for. Council President Borders asked for the numbers. Mr. Thomas responded that we are not estimating further expenses. It is based on current staffing, benefits, etc. The funds are in the permanent Part Time Account. Mr. Council added that it is an allocation issue of where we budgeted the money from. It is in a line item because of staffing needs. The dollar amount is right. Council President Borders stated it was allocated in one pot. Are there less people? Mr. Council responded that the emphasis is to allocate each Councilmember of each staff member

that they have. The year 2009 is the basis for it. We will change the allocation number if the staffing changes going into 2010. Council President Borders asked if there is a surplus. Mr. Council responded no. No Councilmember should have a deficiency. Mr. Thomas responded that we don't have an additional person in Councilmember Fauver's Office and there is not a \$24,000 deficit. CFO Glass added if there is an allocation between Councilmember Accounts, why do we believe there was a \$24,000 deficit? Mr. Council responded that the \$24,000 is still there for her to use. The \$24,000 is where it was coded to. CFO Glass asked if it is being amended. Mr. Thomas responded that the \$24,000 is unavailable because it is committed to her benefits. Councilmember Fauver stated that \$209,000 is for the cash carry forward. Mr. Thomas responded that it is separate. The \$209,000 comes from the FY 2010 Budget. Mr. Council added that the bottom line is that the \$24,000 is still there, the intent is how to handle that. Council President Borders stated that we want to track and follow the Accounts.

Continuing, Mr. Council responded that he passed out a spreadsheet that explains the \$24,000. As of today, there was \$50,500 and the balance is \$79,000. The ending balance is \$42,086 and is in her fiscal year budget. The carry forward was \$290,000 and \$119,000 was spent and what is available in her carry forward is \$170,828. Together she has around \$212,890 at her disposal. Her original paper was for \$220,000. CFO Glass stated that we need a Substitute prepared on Monday.

Mr. Rob Barger: Director of the Office of Council addressed the Committee by stating that he and Council has shared projections. We are in agreement. He does not know the ins and outs of the fringe benefits. Councilmember Moore offered a motion to **Approve on Condition of the final numbers, 5 Yeas.**

TO CORRECT ORDINANCE NUMBER 08-O-2260

09-O-1931 (18) An Ordinance by Councilmember Natalyn Mosby Archibong correcting Ordinance Number 08-O-2260 which transferred Funds from Council District 5 Expense Account to several Departments for the purpose of Code Enforcement Case Management and Sidewalk Improvements; and for other purposes.

FAVORABLE

Councilmember Moore offered a motion to **Approve, 6 Yeas.**

TO TRANSFER FUNDS FROM THE DISTRICT 6 COUNCILMEMBER EXPENSE ACCOUNT

09-O-1935 (19) An Ordinance by Councilmember Anne Fauver transferring Funds from the District 6 Councilmember Expense Account to Park Pride on behalf of the Lindridge/Martin Manor Neighborhood Association to assist in the improvement and maintenance of greenspace at 1366 Armand Road, NE; and for other purposes.

FAVORABLE

Chairperson Shook offered a motion to **Approve, 6 Yeas.**

TO AMEND THE CHARTER OF THE CITY OF ATLANTA

09-O-1922 (1) An Ordinance by Councilmember Felicia A. Moore **as Amended by Finance/Executive Committee (1), 11/9/09** to amend the Charter of the City of Atlanta adopted under and by virtue of the Municipal Home Rule Act of 1965 (GA Laws 1965, P. 298, et. seq.) as amended to Amend Part 1, Subpart A, Article VI, Chapter 3, Section 6-304 of the Charter of the City of Atlanta, Georgia (GA

Laws 1996, P. 4469, et. seq.) approved April 15, 1996, as Amended, by Amending Article VI, Chapter 3, Section 6-304 so as to add a Subsection D regarding non budgeted Programs and Expenditures; to repeal conflicting Ordinances; and for other purposes. **(Finance/Executive Committee Amendment to make sure that the changes has to be approved by Finance and Full Council, 11/9/09)**

FAVORABLE AS AMENDED, SECOND READING, FIRST ADOPTION

Councilmember Moore stated that this is to make sure if we come up with new expenses that we would have to find the reductions. This will keep us from overspending. We are supposed to be doing it anyway. Councilmember Winslow asked what prevents additional expenses from going into the Watershed fund. CFO Glass responded that the cash pool was surplus cash where the General Fund and Watershed share the funds. Tapping into the expense line items is different. If expenses are inflated, the revenue source has to be identified. In the past we overspent by not taking a disciplined approach. Councilmember Winslow asked if the Administration can go into the cash pool. CFO Glass responded that at the end of the year you have to account for it. When there is a cash shortage we need a funding mechanism in place. Sometimes funds may have to borrow from each other. We do a monthly report on the cash pool. We have a MOU that shows \$106 million dollars. He is anticipating that at the end of the year we will have to dig back into Watershed for a brief time. The purpose is to manage cash. Councilmember Moore added an Amendment (to make sure that the changes have to be approved by Finance and Full Council). Chairperson Shook added that we need budget control amendments. We may get an argument that could excuse meeting those standards. Other Ordinances could repeal it. Councilmember Moore stated that the general repeal wipes out other provisions. She thought if we passed it and something else was on the books, what we passed would be the order. The Repeal Clause stops us from implementing it. Senior Assistant City Attorney Andrews responded that he is not aware of it, but he would look into it. If there is an Ordinance with repeals, it allows the newer paper to overrule the repeal. Chairperson Shook stated that the Administration needs to get its story straight. Councilmember Moore asked that the change in the caption be in the amendment. She then offered a motion to **Approve as Amended, 6 Yeas**. Chairperson Shook asked for something to put in writing regarding the Ordinance about when positions are created some have to be abolished.

TO UTILIZE THE STATE OF GEORGIA DOAS CONTRACT #SWC90814

09-R-1905 (1) An **Amended** Resolution by Councilmember Jim Maddox **as Amended by Finance/Executive Committee (1), 11/9/09** authorizing the Mayor, on behalf of the Atlanta City Council, to utilize the State of Georgia DOAS Contract #SWC90814 for the purchase of 55 desktop computers from Dell Marketing, LP for the City Council of Atlanta, Georgia; in an amount not to exceed \$68,395.00. The equipment purchase will be charged to and paid from Fund 1001 (General Fund), Department 200101 (NDP Reservation of Funds), 5790001 (Contingency Fund Unrestricted), 1512000 (Accounting); and for other purposes. **(Finance/Executive Committee Amendment adds another Further Resolved Clause that states that the Department of Information Technology is responsible for the installation, 11/9/09)**

FAVORABLE AS AMENDED

Councilmember Moore offered an Amendment for another Further Resolved Clause that the Department is responsible for the installation. Councilmember Maddox stated that

there is an individual who works for the staff who manages the equipment. Councilmember Moore stated that this person will work along with Mr. Peter Ryan. He can have a team to come in.

Mr. Dan Smith: Chief of the Department of Information Technology addressed the Committee by stating that the installation of 55 computers is no small task and Mr. Ryan will need help. Chairperson Shook offered a motion to **Approve as Amended, 6 Yeas.**

TO ESTABLISH A TRUST FUND ACCOUNT

09-R-1923 (2) A Resolution by Councilmember Ceasar C. Mitchell to establish a Trust Fund Account for the transfer of unexpended Funds from Councilmember Expense and Fund Carryover Accounts for use by City Departments in the implementation of identified established Project(s) or operations; and for other purposes.

FILE

CFO Glass stated that he has problems with creating Trust Funds. It looks like we are trying to create a loop hole in the Charter. We are not a prosperous City and we have to pull money back in. We are a City suffering from the recession. We may have things to occur where we may need to put money into the General Fund. Councilmember Moore stated that we need to get back with Councilmember Mitchell to see if he wants to give it to specific Departments. She offered a motion to **File, 6 Yeas** and come back with another one. Councilmember Winslow asked if we passed legislation, would money continue to roll over. Councilmember Moore stated that the Ordinance says from term to term they can carryover. Funds that are not expended goes to the General Fund.

TO APPLY FOR AND ACCEPT A GATEWAY GRANT

09-R-1934 (3) A Resolution by Councilmember Kwanza Hall authorizing the Mayor to apply for and accept a Gateway Grant, upon award of the Grant, the City of Atlanta shall enter into a Mowing and Maintenance Agreement with the Georgia Department of Transportation.

FAVORABLE

Councilmember Maddox offered a motion to **Approve on both papers, 6 Yeas.**

TO AUTHORIZE THE MIDTOWN IMPROVEMENT DISTRICT

09-R-1936 (4) A Resolution by Councilmember Anne Fauver authorizing the Midtown Improvement District to apply for and accept a Gateway Grant; upon award of the Grant, the Midtown Improvement District shall enter into a Mowing and Maintenance Agreement with the Georgia Department of Transportation; and for other purposes.

FAVORABLE

Councilmember Maddox offered a motion to **Approve on both papers, 6 Yeas.**

TO URGE THE 2010 GEORGIA GENERAL ASSEMBLY

09-R-2011 (5) An **Amended** Resolution by Finance/Executive Committee urging the 2010 Georgia General Assembly to support the City of Atlanta's 2010 Legislative Package; and for other purposes. **(Finance/Executive Committee Substitute..., Finance/**

Executive Committee Amendment adds to the Legislative Package to amend 50-18-72 (Open Records Exemption) to exempt the Citizen's Review Board until investigations are completed and adds additional Cities to the Gaming Legislation, 11/9/09)

FAVORABLE ON SUBSTITUTE AS AMENDED

Ms. Megan Middleton: Mayor's Office of Intergovernmental Affairs addressed the Committee by stating that she apologizes for the lateness, but some things had to be confirmed. There is a paper for Pension Fund Investment and Recycling. The package stays the same, but the proposals are different. The new piece is on page #17 that changes the Georgia Code of when a contract expires (calendar year to fiscal year). It is a housekeeping error. Councilmember Winslow asked if other Cities would be able to do the same thing. Ms. Middleton responded that it would be changed for all Cities to do this. Next item allows the City to sell surplus City equipment. The Counties can do it, but not the Cities. Councilmember Winslow asked what does this do.

Ms. Lisa Gordon: of the Mayor's Office addressed the Committee by stating that this allows the City to be more competitive. Right now you can do a RFP or a bid. This is what they use at Fulton County. It would come to Council. Councilmember Winslow asked how many surplus pieces of property do we have. Ms. Gordon responded about 125 and they are small acres. It is about 30 to 50 properties and 15 big properties. She would provide a report. Right now there is so much supply and it is not a good market. Councilmember Winslow suggested that we look at properties that we currently own and not go out and buy more property. We will decide if we need to utilize what we have. Ms. Gordon responded that we are looking at this. The presentation is coming up. Councilmember Maddox asked Ms. Middleton to explain the Gaming legislation. Ms. Middleton responded that we want to create a Gaming Authority for our Entertainment District. The legislation was introduced last year. Councilmember Maddox stated that it would have a better chance if we did for other Cities. Ms. Middleton responded that she believes the legislation is general. Councilmember Maddox stated that we often hear that there are two Georgias, the metropolitan City and the rest of Georgia. That poses some conflict and we need to cultivate all of Georgia. We have to be more open to all of Georgia. Ms. Middleton responded that we try to work with all of Georgia. We can make changes before Monday. Councilmember Maddox stated that he would make changes for it to have a broader concept for a better opportunity to pass it. It is a revenue source for the City and the State. Councilmember Moore wants to add to the Legislative Package to amend **50-18-72 (Open Records Exemption)** to exempt the Citizen's Review Board until investigations are completed. This will allow them and their advisory role prior to the completion of current investigations by the Police Department to release information before a final decision is made. Councilmember Maddox offered an amendment to add additional Cities to the Gaming Legislation. Chairperson Shook stated that the work done at the State is on the defensive side. We need to make sure that our perspective is heard. We need an opportunity to help educate people. He then stated that on Thursday the annual Delegation meeting is at 11:00 a.m. Councilmember Maddox asked if this is the package you will give them on Thursday. Ms. Middleton responded that she would make the changes first. Councilmember Maddox stated that we know that the Fulton County Delegation is committed to doing what they can for the City, but we have to go beyond that. There are more rural Georgians in the Legislature than the City of Atlanta. Councilmember Muller offered a motion to **Approve on Substituted on Condition as Amended, 5 Yeas.**

TO RESCIND 09-R-1704

09-R-2012 (6)

A Resolution by Finance/Executive Committee rescinding 09-R-1704 to change the Service Delivery Strategy (SDS) date between the City of Atlanta and DeKalb County from October 31, 2010 to January 31, 2010; and for other purposes.

FAVORABLE

Mr. Garnett Brown: of the Bureau of Planning addressed the Committee by stating that we are asking for a new Resolution. Chairperson Shook offered a motion to **Approve, 5 Yeas.**

TO AUTHORIZE THE MAYOR TO EXECUTE RENEWAL AGREEMENT NO. 1

09-R-2013 (7) A Resolution by Finance/Executive Committee authorizing the Mayor to execute Renewal Agreement No. 1 of the Memorandum of Understanding (MOU) with the Atlanta Workforce Development Agency for the purpose of continuing the Culinary Training Program in the City Hall Cafeteria, in an amount not to exceed twenty-five dollars and zero cents (\$25.00) monthly. All revenue received pursuant to this Memorandum of Understanding (MOU) shall be deposited into 1001 (General Fund), Department 000002 (General Revenue Org), Account 389003 (Food, Drink & Notions), Function Activity 0000, and for other purposes.

HELD

Chairperson Shook stated that we will Hold until we get the feedback from the Customer Service Survey.

TO EXECUTE THE SECOND AMENDMENT TO THE IMPROVEMENT AGREEMENT

09-R-2014 (8) A Resolution by Finance/Executive Committee authorizing the Mayor to execute the Second Amendment to the Intergovernmental Agreement by and among the City of Atlanta, the Atlanta Development Authority and the Atlanta Independent School System, dated December 31, 2005 and amended on August 17, 2009, in connection with the Beltline Tax Allocation District; and for other purposes.

FILE

Chairperson Shook offered a motion to **File, 5 Yeas.** This has already been done.

TO EXECUTE AMENDMENT AGREEMENT NUMBER 2

09-R-2015 (9) A Resolution by Finance/Executive Committee authorizing the Mayor to execute Amendment Agreement Number 2 with Honeywell, Inc. for FC-4714, Citywide HVAC Services on behalf of the Executive Offices-Office of Enterprise Assets Management and the Department of Parks, Recreation and Cultural Affairs to add the site and funding for the Lakewood Fair Grounds in an amount not to exceed five hundred twenty-five thousand dollars and zero cents (\$525,000.00). All contracted work shall be charged to and paid from 1001 (General Fund), Department 040403 (Exe. Heating & Air Maintenance), Account 5222001 (Repair & Maintenance-Buildings), 1565000 Function Activity (Gen Gov-Bldgs/ & Plants) - \$300,000.00 1001 (General Fund), Department 140101 (PRC Commissioner of DPRCA) Account 5222001 (Operating Lease/Rental-Bul.) 1320000 Function Activity (Chief Executive) - \$225,000.00; and for other purposes.

FAVORABLE

Ms. Gordon stated that this allows us to relocate a portion of Parks out at Lakewood and for leasing of warehousing that we currently have. Councilmember Muller offered a motion to **Approve, 5 Yeas.**

TO EXECUTE AN APPROPRIATE AGREEMENT FOR FC-4971

09-R-2016 (10) A Resolution by Finance/Executive Committee authorizing the Mayor to execute an Appropriate Agreement for FC-4971 with Resurgens Risk Management/Willis, on behalf of the Department of Finance to provide Insurance Placement Services and Risk Management Consulting Services to the City of Atlanta; in a total amount not to exceed \$810,000.00 of which \$360,000.00 will be paid from Fund, Department, Organization, and Account Numbers: 1001 (General Fund) 100303 (DOF Risk Management) 5212001 (Consulting/Professional Services) 1555000 (Risk Management) and \$450,000.00 will be paid from 5502 (Airport Renewal & Extension Fund) 180201 (DOA Aviation Capital Planning & Development) 5231001 (Consulting/Professional Services – Technical) 7563000 (Airport).

FAVORABLE

Councilmember Moore offered a motion to **Approve, 5 Yeas.**

TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT

09-R-2019 (11) A **Substitute** Resolution by Finance/Executive Committee authorizing the Mayor to enter into a Cooperative Purchasing Agreement pursuant to the Section 2-1601 et. seq. of the City of Atlanta Code of Ordinances, utilizing the State of California's Fast Open Contracts Utilization Services Contract Number 2005081 with AT&T Communication Systems Southeast for Support Services for seven (7) months beginning November 16, 2009 and ending June 30, 2010 on behalf of the Department of Information Technology in an amount not to exceed \$163,688.00; all contracted work shall be charged to and paid from Fund, Department Organization and Account Number 1001 (General Fund) 050209 (DIT IT Telecommunications) 522002 (Repair and Maintenance – Equipment) 1535000 (Data Processing/Management Information Systems); and for other purposes. **(Finance/Executive Committee Substitute..., 11/9/09)**

FAVORABLE ON SUBSTITUTE

Mr. Smith stated that this is for two technicians. Councilmember Muller asked is the State of California the only one who does this. Mr. Smith responded yes. Councilmember Muller asked if this is something Georgia may want to do. Chairperson Shook offered a motion to **Approve on Substitute, 5 Yeas.**

TO EXECUTE RENEWAL OPTION NUMBER TWO (2) OF CONTRACT NO. FC-6007000058

09-R-2020 (12) A Resolution by Finance/Executive Committee authorizing the Mayor or her designee to execute Renewal Option Number two (2) of Contract No. FC-6007000058, Post-Production Support for Enterprise Resource Planning, with Oracle USA, Inc., on behalf of the Department of Information Technology, in an amount not to exceed \$975,000.00; all contracted work to be charged to and paid from Fund, Department Organization and Account Number

1001 (General Fund) 050102 (IT Administration) 5410001
(Consulting/Professional Services) 1535000 (Data
Processing/Management Information Systems); and for other
purposes.

FAVORABLE

Mr. Smith stated that this is for Oracle support that the City is not providing. Chairperson Shook offered a motion to **Approve, 5 Yeas.**

TO AMEND THE PROCUREMENT CODE OF THE CITY OF ATLANTA

07-O-0138 (1) An Ordinance by Councilmember Ceasar C. Mitchell to Amend the Procurement Code of the City of Atlanta, Georgia by Adding to Section 2-1142; monthly report to City Council; and for other purposes. **(Held, 1/31/07 at the request of the Department of Procurement for an additional study)**

HELD

TO AMEND ARTICLE V. CLASSIFICATION PLAN

07-O-0974 (2) An Ordinance by Councilmember C.T. Martin **as Substituted by Finance/Executive Committee** to Amend Article V. Classification Plan, of the Code of Ordinances, City of Atlanta, Georgia, so as to create (215) positions in the Atlanta Police Department; and for other purposes. **(Substituted and Held, 5/16/07 in conjunction with consideration of 2008 Budget)**

HELD

TO SUPPORT H.R. 2447

07-R-2138 (3) A Resolution by Councilmember Ceasar C. Mitchell to support H.R. 2447 to establish an Energy and Environment Block Grant Program that is presently before the United States Congress; and for other purposes. **(Held, 10/10/07)**

HELD

TO ENDORSE HR 3535

07-R-2139 (4) A Resolution by Councilmember Ceasar C. Mitchell to endorse HR 3535 Homebuyer's Protection Act of 2007 pending in the United States Congress; to urge the Georgia Congressional Delegation to support the Act; and for other purposes. **(Held, 10/10/07)**

HELD

TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT

08-R-0510 (5) A Resolution by Councilmembers Howard Shook and Cleta Winslow authorizing the Mayor to enter into an Intergovernmental Agreement with the Fulton County District Attorney for a period of three years in an amount not to exceed twenty six thousand dollars and no cents (\$26,000.00) per month for services for the City of Atlanta under for Consultation and Support Services to Victims and Witnesses of Crime; all contracted work to be Charged and Paid From Fund, Account and Center Number 3P01 (Agency Fund) 264017 (Muni Court VW ASST PRG (MCVW)

A00001 (Balance Sheet Center); and for other purposes. **(Held, 3/12/08)**

HELD

TO ESTABLISH AND IMPLEMENT A COST NEUTRAL DEFERRED RETIREMENT OPTION RETIREMENT PLAN

08-O-0736 (6) An Ordinance by Finance/Executive Committee authorizing the Chief Financial Officer to engage on behalf of the City of Atlanta to establish and implement a Cost Neutral Deferred Retirement Option Retirement Plan as an additional benefit for the members of the City of Atlanta Firefighter's Pension Fund and the City of Atlanta Police Officers Pension Fund; and for other purposes. **(Held, 5/14/08)**

HELD

TO PROVIDE FOR THE ISSUANCE AND SALE OF TAX ALLOCATION BONDS

08-O-0822 (7) An Ordinance by Councilmember Felicia A. Moore to provide for the Issuance and Sale of Tax Allocation Bonds (Perry Bolton Project), Series 2008, in the aggregate principal amount not to exceed \$1_____ (the "Series 2008 Bonds"), to pay, or to be applied or contributed toward, the payment of redevelopment costs associated with the Projects identified on Schedule 1 hereto (the "2008 Projects"); to authorize paying expenses incident to accomplishing the foregoing; to authorize the execution of a Indenture of Trust, a Bond Placement Agreement, Separate Development Agreements with the developers of each of the 2008 Projects and approving the use and distribution of a Preliminary Limited Offering Memorandum and Final Limited Offering Memorandum; to clarify the intent of the initial Resolution (as defined herein) with respect to the termination of the Perry Bolton TAD (as defined herein) and for certain other purposes, all in connection with the Issuance and Sale of the foregoing described Series 2008 Bonds. **(Held, 4/30/08)**

HELD

TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA

08-O-0829 (8) An Ordinance by Howard Shook to amend the Charter of the City of Atlanta, Georgia adopted under and by virtue of the authority of the Municipal Home Rule Act of 1965, O.C.G.A. Section 36-35-1. Et Seq., as amended, so as to amend the Charter of the City of Atlanta, Georgia, 1996 GA. Laws P. 4469, Et Seq., by amending Article 2, Chapter 3, Section 2 -302© so as to require an affirmative vote of two-thirds of the total membership of the City Council to approve any Ordinance that would result in an increase in taxes, fees, or bond indebtedness; and for other purposes. **(3rd Reading/Final Adoption); (Referred back by Council, 7/7/08); (Held, 7/16/08)**

HELD

TO AMEND CHAPTER TWO, ARTICLE VI, DIVISION 2, SUBDIVISION II, SECTION 2-351

- 08-O-0830 (9) An Ordinance by Howard Shook to amend Chapter two, Article VI, Division 2, Subdivision II, Section 2-351 (Entitled, "Authorization to Issue Commercial Paper.") of the Code of Ordinances of the City of Atlanta, so as to require an affirmative vote of two-thirds of the total membership of the City Council to approve any ordinance that would result in an increase in Bond Indebtedness; and for other purposes. **(Referred back by Council, 7/7/08); (Held, 7/16/08)**

HELD

TO AMEND CHAPTER 146, DIVISION 1, ARTICLE II, SECTION 146-26

- 08-O-0831 (10) An Ordinance by Howard Shook to Amend Chapter 146, Division 1, Article II, Section 146-26 (Entitled, "Levy."), Chapter 146, Article II, Section 146-79 (Entitled, "Levied.") and Chapter 146, Article IV, Section 146-113 (Entitled, "Excise Tax Levied; Collection.") of the Code of Ordinances of the City of Atlanta, so as to require an affirmative vote of two-thirds of the total membership of the City Council to approve any Ordinance that would result in an increase in taxes; and for other purposes. **(Referred back by Council, 7/7/08); (Held, 7/16/08)**

HELD

TO AMEND CHAPTER TWO, ARTICLE II, DIVISION 2, SUBDIVISION 1, SECTION 2-69

- 08-O-0833 (11) An Ordinance by Howard Shook to amend Chapter Two, Article II, Division 2, Subdivision I, Section 2-69 (Entitled, "Quorum; Vote Required for Passage of Legislation.") and Chapter Two, Article II, Division 2, Subdivision II, Section 2-96© (Entitled, "Presence at Meetings; Voting on Questions.") of the Code of Ordinances of the City of Atlanta, so as to require an Affirmative Vote of two-thirds of the total membership of the City Council to approve any ordinance that would result in new fees and taxes or an increase in existing taxes, fees, or bond indebtedness; and for other purposes. **(Referred back by Council, 7/7/08); (Held, 7/16/08)**

HELD

TO AMEND CHAPTER TWO, ARTICLE II, DIVISION 2, SUBDIVISION II, SECTION 2-105

- 08-O-0834 (12) An Ordinance by Councilmember Howard Shook as amended by Finance /Executive Committee to amend Chapter Two, Article II, Division 2, Subdivision II, Section 2-105 (Entitled, "Establishment or Change in Fees for Service; Notice to Public.") of the Code of Ordinances of the City of Atlanta, so as to require an affirmative vote of two-thirds of the total membership of the City Council to approve any Ordinance that would result in new fees and an increase in fees; and for other purposes. **(Referred back by Council, 7/7/08); (Held, 7/16/08)**

HELD

TO AMEND THE FY 2009 BUDGET

- 08-O-1446 (13) An Ordinance by Councilmember C.T. Martin to amend the FY 2009 Budget so as to add to the Budget, Funding of the Judicial Agencies in the amount of \$350,000.00; to reduce the adopted Budget by said amount; and for other purposes. **(Referred back by Full Council, 2/16/09); (Held, 2/25/09)**

HELD

TO AMEND THE PENSION ACTS

- 08-O-1545 (14) An Ordinance by Councilmember C.T. Martin to amend the Pension Acts applicable to members of the General Employees Pension Fund of the City of Atlanta, so as to provide for a Retirement Program for employees involuntarily separated to balance the City of Atlanta 2009 and 2010 Fiscal Year Budgets and for Reorganization of the Workforce; and for other purposes. **(Held for Actuary Report, 7/30/08); (File, 2/11/09); (Referred back from Full Council, 2/16/09); (Held, 2/25/09)**

HELD

TO AMEND THE FY 2009 (GENERAL FUND) BUDGET

- 08-O-1688 (15) An Ordinance by Councilmember Ceasar C. Mitchell to amend the FY 2009 (General Fund) Budget to reopen and maintain Atlanta Fire Station No. 7 by Transferring Appropriations from various Consulting, Supply, Travel and Other Non-Personnel Accounts yet to be determined to the Department of Fire and Rescue Budget Fund Department Account and Organization Number; and for other purposes. **(Forward with no Recommendation, 8/27/08); (Forwarded back by Full Council, 9/2/08); (Held, 9/10/08)**

HELD

TO ESTABLISH A CITY OF ATLANTA TAXATION AND SERVICE DELIVERY TECHNICAL ADVISORY COMMITTEE

- 08-R-1752 (16) A Resolution by Councilmember Mary Norwood establishing a City of Atlanta Taxation and Service Delivery Technical Advisory Committee; and for other purposes. **(Held, 9/10/08)**

HELD

TO ACCEPT A DONATION IN THE AMOUNT OF \$

- 08-O-2034 (17) An Ordinance by Councilmember Cleta Winslow authorizing the Mayor or her Designee to accept a donation in the amount of \$_____ from the Atlanta Fire Foundation on behalf of the Atlanta Department of Fire and Rescue to fund the renovation of Fire Station #7; and for other purposes. **(Held, 10/15/08)**

HELD

TO AMEND CHAPTER 114 ARTICLE IV DIVISION 12 SECTION 14-379

- 08-O-2135 (18) An Ordinance by Councilmembers H. Lamar Willis and C.T. Martin to amend Chapter 114 Article IV Division 12 Section 14-

379 of the Code of Ordinance of the City of Atlanta so as to provide for Written Justification and Hearing for any Reduction In Force by Executive or Legislative Actions involving Public Safety and Court Employees; to waive conflicting Ordinances; and for other purposes. **(Held, 10/29/08); (Held and Substituted, 11/12/08); (Held and Substituted, 4/29/09)**

HELD

TO ENTER INTO AN AGREEMENT WITH MOTOROLA, INC.

09-R-0183 (19) A Resolution by Finance/Executive Committee authorizing the Mayor to enter into an Agreement with Motorola, Inc. utilizing the State of Georgia Technology Authority Agreement No. 980-2800008 for the purchase of a Georgia Global Positioning System Two-Way Radio Communication Equipment, on behalf of the Department of Watershed Management, Office of Safety and Security, in an amount not to exceed three hundred seventy-five thousand seven hundred fifty dollars and no cents (\$375,570.00); all contracted work will be charged to and paid from Fund, Department Organization and Account Number 5052 (Water & Wastewater Revenue) 170902 (DWM Watershed Safety) 5212001 (Consulting/Professional) 1555000 (Risk Management); and for other purposes. **(Held, 1/28/09)**

HELD

TO AMEND CHAPTER 62, ARTICLE II, SECTION 62-46

09-O-0203 (20) An Ordinance by Councilmember Ceasar C. Mitchell to amend Chapter 62, Article II, Section 62-46 of the Code of Ordinances of the City of Atlanta, Georgia (Entitled "Pretrial Diversion Fee") so as to specify the General Fund uses for which the fees shall be allocated; to waive conflicting Ordinances; and for other purposes. **(Held, 1/28/09)**

HELD

TO ENTER INTO AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT (IGA)

09-R-0263 (21) A Resolution by Councilmember Ivory Lee Young, Jr. authorizing the Mayor or her designee to enter into an amendment to the Intergovernmental Agreement (IGA) authorized by Resolution 08-R-1694 with the Atlanta Development Authority so as to ensure that the expenditure of Westside TAD Funds through In Rem action can be used to effect not only the demolition of also the Clean and Close of structures located within the English Avenue Neighborhood identified as abandoned and/or dilapidated by the Bureau of Code Compliance; and for other purposes. **(Held, 2/11/09)**

HELD

TO PROPOSE THE CREATION OF THE SOUTHWEST ATLANTA COMMUNITY IMPROVEMENT DISTRICT

09-R-0264 (22) A Resolution by Councilmembers H. Lamar Willis and Jim Maddox proposing the creation of the Southwest Atlanta Community Improvement District as authorized by the General

Assembly of the State of Georgia in the Atlanta Community Improvement District Act, contingent upon the consent of the majority of the owners of real property within the District boundaries; and for other purposes. **(Held, 2/11/09)**

HELD

TO PROVIDE A REPORT TO THE FULL COUNCIL

- 09-R-0270 (23) A Resolution by Councilmember Mary Norwood requesting the Department of Finance to provide a report to the Full Council regarding the Plan of Financing for Department of Watershed Projects to be funded by Commercial Paper; and for other purposes. **(Held, 2/11/09)**

HELD

TO ADOPT UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965

- 09-O-0271 (24) An Ordinance and Charter Amendment by Councilmembers C.T. Martin, Ivory Lee Young, Mary Norwood, Anne Fauver and Natalyn Archibong adopted under and by virtue of the Authority of the Municipal Home Rule Act of 1965 (GA. Laws 1965, p. 298, et seq.) as amended, to create a new Section 3-502.1 (entitled "Ordinance Required To Impose Furloughs on certain Public Safety Employees") of the Charter of the City of Atlanta, Georgia (GA Laws 1996, P. 4469, et seq.) approved April 15, 1996, as amended, which shall provide that an Ordinance adopted by a majority vote of the Council shall be required in order to impose furloughs on certain Public Safety Employees; to repeal conflicting Ordinances and Charter Amendments; and for other purposes. **(Held, 2/11/09)**

HELD

TO TRANSFER \$50,000.00 FROM DISTRICT 8 COUNCILMEMBER EXPENSE ACCOUNT

- 09-O-0377 (25) An Ordinance by Councilmember Clair Muller to transfer \$50,000.00 from District 8 Councilmember Expense Account to the Department of Public Works Office of Transportation to be used to assist in funding portions of the Peachtree Battle Neighborhood Intersection Project; and for other purposes. **(Held, 2/25/09)**

HELD

TO AMEND ATLANTA CODE OF ORDINANCES CHAPTER 46

- 09-O-0803 (26) An Ordinance by Finance/Executive Committee amending Atlanta Code of Ordinances Chapter 46, entitled Civic and Cultural Affairs, by adding a new Article IV that shall be entitled Entertainment Filming Fees; and for other purposes. **(Held, 5/13/09); (Held and Substituted, 10/28/09)**

HELD

TO CREATE THE POSITION OF CITY COUNCIL FISCAL REVIEW MANAGER

09-R-0817 (27) A Resolution by Councilmember Clair Muller creating the position of City Council Fiscal Review Manager, a position on the Council Staff that will review all Legislation with will have a fiscal impact. **(Held, 4/29/09)**

HELD

TO REPEAL SUBPARAGRAPH (K) (5) OF SECTION 2-36

09-O-0818 (28) An Ordinance by Councilmember Howard Shook to repeal Subparagraph (k) (5) of Section 2-36 and Subparagraph (e) of Section 2-39 of the Code of Ordinances of the City of Atlanta, Georgia so as to eliminate the "Cash Carryforward" Provision related to the Expense Accounts and Appropriations of the Council President and Councilmembers; to waive conflicting Ordinances; and for other purposes. **(Held, 4/29/09)**

HELD

TO AMEND ARTICLE "V" CLASSIFICATION PLAN, SECTION 114-477

09-O-0820 (29) An Ordinance by Councilmember H. Lamar Willis to amend Article "V" Classification Plan, Section 114-477 of the Code of Ordinances, City of Atlanta, Georgia, so as to create certain positions; and for other purposes. **(Held, 4/29/09)**

HELD

TO ANTICIPATE AND APPROPRIATE FUNDS DONATED BY LEGENDS

09-O-0911 (30) An Ordinance by Finance/Executive Committee authorizing the Mayor or her Designee, on behalf of the City, to Anticipate and Appropriate Funds donated by legends to the City of Atlanta's Office of Recreation; and for other purposes. **(Held and Substituted, 5/27/09)**

FILE

TO EXECUTE A GROUND SITE LEASE WITH CLEARWIRE US LLC

09-O-1053 (31) An Ordinance by Finance/Executive Committee authorizing the Mayor or her Designees to execute a ground site lease with Clearwire US LLC for the purpose of providing Wireless Communication Services; and for other purposes. **(Held, 7/1/09)**

HELD

TO ACCEPT AND ENTER INTO A CONTRACTUAL AGREEMENT

09-O-1184 (32) An Ordinance by Finance/Executive Committee authorizing the Mayor to accept and enter into a Contractual Agreement between the City of Atlanta and the Georgia Environmental Facilities Authority ("GEFA") State Revolving Fund Loan Program for the purposes of securing a subsidized loan under the Clean and Drinking Water State Revolving Fund; to amend the FY 2010 Budget to anticipate and appropriate funds in the amount not to

exceed fifteen million dollars and no cents (\$15,000,000.00); and for other purposes. **(Held, 7/15/09)**

HELD

TO AMEND CHAPTER 114, DIVISION 14, SECTION 114-429

09-O-1217 (33) An Ordinance by Councilmember Carla Smith to amend Chapter 114, Division 14, Section 114-429 (a) and (e) of the City of Atlanta Code of Ordinances entitled “Voluntary Shared Leave Program”, to revise the Section to include the donation of Reserve Sick Leave; and for other purposes. **(Held, 7/15/09)**

HELD

TO ACCEPT THE DONATION OF A WIND TURBINE

09-R-1365 (34) A Resolution by Finance/Executive Committee authorizing the Mayor to accept the donation of a wind turbine valued at twenty thousand dollars (\$20,000.00) from Southeast Energy Efficiency Alliance and the Gates Foundation, on behalf of the Office of the Mayor, to create a Demonstration Renewable Energy Project at Hemphill Water Treatment Facility; and for other purposes. **(Held, 7/29/09)**

HELD

A SERIES 2009B/C/D/E SUPPLEMENTAL BOND ORDINANCE

09-O-1378 (35) An Ordinance by Councilmembers Howard Shook and Clair Muller Series 2009B/C/D/E Supplemental Bond Ordinance supplementing and Amending that certain Fourteenth Supplemental Bond Ordinance of the City of Atlanta adopted on July 6, 2009, to, among other things, set forth the terms of (1) the Airport General Revenue Bonds, Series 2009B and Series 2009C (The “Series 2009B/C Bonds”) and (2) the Airport Passenger Facility Charge and Subordinate Lien General Revenue Bonds, Series 2009D and Series 2009E (The “Series 2009D/E Bonds”, together with the Series 2009B/C Bonds, the “Series 2009B/C/D/E Bonds”) within certain parameters previously established by the City including the original aggregate principal amount, interest rates, maturity amounts, maturity dates, redemption provisions and debt service reserve requirement with respect thereto; ratify certain prior actions of the City Council and certain Officers and Agents of the City with respect to the Issuance and Sale of the Series 2009B/C/D/E Bonds; designate the Underwriters and Bond Counsel with respect to said Series 2009B/C/D/E Bonds; approve the form and authorizing the execution of a Bond Purchase Agreement and certain other Agreements in connection with said Series 2009B/C/D/E Bonds; authorize and approve the preparation, use and distribution of a Final Official Statement in connection with the Offer and Sale of said Series 2009B/C/D/E Bonds; (set forth the terms and covenants associated with a Municipal Bond Issuance Policy related to said Series 2009B/C/D/E Bonds); provide an effective date; and for other related purposes. **(Held, 7/29/09)**

FORWARD WITH NO RECOMMENDATION

Senior Assistant City Attorney Coleman stated that this is for Refunding Airport Bonds. They will price on December 1st and a Special Called meeting on December 2nd. Councilmember Moore offered a motion to **Approve, 5 Yeas**. Chairperson Shook asked if they have been advertised. Senior Assistant City Attorney responded no. Councilmember Moore offered a motion to move **Forward with no Recommendation, 5 Yeas**.

A SERIES 2009A SUPPLEMENTAL BOND ORDINANCE

09-O-1379 (36) An Ordinance by Councilmembers Howard Shook and Clair Muller Series 2009A Supplemental Bond Ordinance supplementing and amending that certain Thirteenth Supplemental Bond Ordinance of the City of Atlanta adopted on July 6, 2009, to among other things, set forth the terms of the Airport General Revenue Refunding Bonds, Series 2009A, including the aggregate principal amount, interest rates, maturity amounts, maturity dates, redemption provisions and debt service reserve requirement with respect thereto; ratify certain prior actions of the City Council and certain Officers and Agents of the City with respect to the Issuance and Sale of the Series 2009A Bonds; designate the Underwriters and Bond Counsel with respect to said Series 2009A Bonds; approve the form and authorizing the execution of a Bond Purchase Agreement and certain other Agreements in connection with said Series 2009A Bonds; authorize and approve the preparation, use and distribution of a Final Official Statement in connection with the offer and sale of said Series 2009A Bonds, (set forth the terms and covenants associated with a Municipal Bond Insurance Policy related to said Series 2009A Bonds), provide an effective date; and for other related purposes. **(Held, 7/29/09)**

FORWARD WITH NO RECOMMENDATION

Councilmember Moore offered a motion to move **Forward with no Recommendation, 5 Yeas**.

TO RECOMMEND THAT THE REMAINING CITY OF ATLANTA TITLE XX ALLOCATION OF \$42 MILLION (ACORA FUNDS)

09-R-1409 (37) A Resolution by Councilmembers Kwanza Hall, Cleta Winslow, Jim Maddox, H. Lamar Willis, Ceasar C. Mitchell, Ivory Lee Young, Jr., Natalyn Archibong and Mary Norwood recommending that the remaining City of Atlanta Title XX Allocation of \$42 million (ACORA Funds) be placed in a Revolving Loan Fund to the Atlanta City Credit Union; and for other purposes.

HELD

TO CREATE A NEW SECTION 2-45

09-O-1650 (38) An Ordinance by Councilmember C.T. Martin to create a new Section 2-45 of the Code of Ordinances of the City of Atlanta, Georgia, located under Chapter 2 (Administration), Article II (Council), Division 1 (Generally), and currently designated as "Reserved", to be re-designated as "Access to City-Owned or City-Affiliated Parking Facilities by Members of the Atlanta City Council", so as to provide that Members of the Atlanta City Council shall, upon request, to be provided with access cards, at no cost to the Council Member, for the purpose of gaining vehicular access to any Parking Facility owned by the City of

Atlanta or an facility affiliated with the City of Atlanta; to waive conflicting Ordinances; and for other purposes. **(Referred back Committee On Council to Finance/Executive Committee at Full Council, 9/21/09); (Held, 9/30/09)**

HELD

TO AMEND SUBSECTION (A) OF SECTION 2-1139

09-O-1653 (39) An Ordinance by Councilmember C.T. Martin **as Substituted by Finance/Executive Committee (1), 11/9/09** to amend Subsection (a) of Section 2-1139 (Using Agency Requirements) of Chapter 2 (Administration), Article X (Procurement and Real Estate Code), Division 2 (Chief Procurement Officer), of the Code of Ordinances of the City of Atlanta, Georgia so as to provide that no person employed in the Executive Office of the Mayor shall serve as a member of a Procurement Evaluation Team or shall in any way participate in the Procurement Process; to waive conflicting Ordinances; and for other purposes. **(Held, 9/16/09); (Finance/Executive Committee Substitute..., 11/9/09)**

FAVORABLE ON SUBSTITUTE

Councilmember Martin stated that we have a Substitute. This will make an exception for when the Mayor's Office is a user. It takes them out of the Department's decision. The people in the Executive Office are over the people in the Department of Procurement. There is a conflict of interest. Chairperson Shook stated that we are talking about the inclusion of services and Executive Offices being the user agency. Senior Assistant City Attorney Andrews stated that Senior Assistant City Attorney Hinton did all of the Amendments. Councilmember Moore stated that everyone is under the Mayor. Are we trying to prohibit something from happening or is something occurring that we want to prohibit. Councilmember Martin stated that there were concerns from people doing business with the City. They have made a specific change over a Procurement person. Councilmember Moore stated that it would not keep them from interfering. Councilmember Martin stated that they would do it on their own and it would not be legally done with this legislation. This makes the system fair. They can influence the outcome of a bid. Councilmember Moore asked who are we referring to? Are we talking about specific people or positions? Senior Assistant City Attorney Andrews responded that they would not be allowed to make a decision. Chairperson Shook asked Councilmember Martin if he has consulted with Procurement. Councilmember Martin responded that he left it up to the Law Department. It is not his role to have a conversation with the Commissioner of Procurement. Senior Assistant City Attorney Andrews responded that we were cutting user agencies out, but the Substitute corrects that. Councilmember Moore offered a motion to **Approve on Substitute, 6 Yeas.**

TO WRITE-OFF \$811,011.36 OF UNCOLLECTIBLE WATER AND WASTEWATER ACCOUNTS

09-O-1701 (40) An Ordinance by Finance/Executive Committee authorizing the Chief Financial Officer to write-off \$811,011.36 of uncollectible water and wastewater accounts receivable with balances extending beyond the statute of limitations; and for other purposes. **(Held, 10/14/09 by the Committee for further review)**

HELD

TO PROVIDE FOR THE ANNEXATION OF 4776 CAMPBELLTON ROAD

09-O-1797 (41) An Ordinance by Councilmember Jim Maddox to provide for the annexation of 4776 Campbellton Road (Parcel ID #14F-0065-0001-003-0), Parcel Identification #14F-0076-LL-008-8 (A.K.A. Kenny Rd, Rear), 2167 Alan Drive (Parcel ID #14F-0065-0001-013-9) to the corporate limits of the City of Atlanta, Georgia pursuant to 60% method of annexation; to authorize the Law Department to seek preclearance from the United States Department of Justice and to notify the Georgia Department of Community Affairs of such annexation; and for other purposes. **(Held for Public Hearing on November 9th @ 10:00 a.m. in Committee Room #2, 10/14/09)**

HELD

Councilmember Moore offered a motion to move **Forward with no Recommendation, 4 Yeas**. She Reconsidered to Hold.

Mr. Jeffrey Haywood: Assistant City Attorney addressed the Committee by stating that we could do it either way. The CD/HR paper will come forward after the Public Hearing on November 30, 2009 and CD/HR will meet on December 1, 2009. Chairperson Shook stated that we can move them all at the December 7th meeting.

Mr. Jared Samples: former City Councilmember addressed the Committee by stating that he hopes that this paper is moved forward.

TO TRANSFER FUNDS IN THE TOTAL AMOUNT OF \$

09-O-1804 (42) An Ordinance by Councilmember Felicia A. Moore to transfer funds in the total amount of \$_____ from various Councilmember Expense Accounts to the Community Foundation of Metro Atlanta to assist residents of the City of Atlanta who were affected by the flood which occurred on September 21, 2009; and for other purposes. **(Held, 10/14/09)**

FILE

Chairperson Shook offered a motion to **File, 5 Yeas**.

TO EXECUTE MASTER IT ON-CALL STAFFING AGREEMENTS WITH CDI IT SOLUTIONS

09-R-1867 (43) A Resolution by Finance/Executive Committee authorizing the Mayor to execute Master IT On-Call Staffing Agreements with CDI IT Solutions, a division of CDI Corporation, 3I People, Inc., Think Development Systems, Inc., First Pro, Inc., Techni-Source, Inc., and Stellar Services for FC-4900, On-Call Information Technology Staffing Services; authorizing the Chief Information Officer for the Department of Information Technology and the Aviation Assistant General Manager – Information Services Division to execute all statements of work. All contracted work will be charged to and paid from Various Accounts not to exceed \$1,000,000.00 per year for each Department. **(Held, 10/28/09)**

HELD

TO REPEAL PART TWO, ARTICLE X

09-O-1876 (44) An Ordinance by Councilmembers Ceasar C. Mitchell, C.T. Martin, Jim Maddox, Joyce Sheperd, Ivory Lee Young, Jr., Felicia A. Moore, Clair Muller, Mary Norwood, Carla Smith, Cleta Winslow, Natalyn Archibong, Howard Shook and Kwanza Hall to repeal Part Two, Article X known as the “Procurement and Real Estate Code” of the Code of Ordinances of the City of Atlanta so as to enact a new Part Two, Article X known as the “Procurement and Real Estate Code”, to promote the economic welfare of the people of the City of Atlanta; to promote full and equal business opportunity for all persons doing business with the City of Atlanta; to promote commerce by assisting Small Business Enterprises (SBEs) to actively participate in the City of Atlanta’s Procurement Process; to eliminate disparities in the utilization of Minority and Female Business Enterprises in the Greater Atlanta Metropolitan Area; to repeal conflicting Ordinances; and for other purposes. **(Held, 10/28/09)**

HELD

ITEMS NOT ON AGENDA

TO AUTHORIZE, AMONG OTHER THINGS, THE ISSUANCE AND SALE OF CITY OF ATLANTA (GEORGIA) GENERAL FUND TAX ANTICIPATION NOTES

09-O-2030 (1) An Ordinance by Finance/Executive Committee authorizing, among other things, the Issuance and Sale of City of Atlanta (Georgia) General Fund Tax Anticipation Notes in the Principal amount of \$80,000,000; and for other purposes.

FAVORABLE ON FIRST READ

TO MAKE PAYMENT FOR THE OUTSTANDING BILL ASSOCIATED WITH FC-6006007876

09-R-2029 (1) A Resolution by Finance/Executive Committee authorizing the Chief Financial Officer to make payment for the outstanding bill associated with FC-6006007876, American Appraisal Associates for External Consultant Services in an amount of ninety eight thousand seven hundred seventy three dollars and no cents (\$98,773.00); payment shall be charged to and paid from Fund Department Organization and Account Numbers: 1001 (General Fund) – 200301 (NDP Unallocated Citywide Employee Expense), 5211001 (Consulting/Professional Services) 154000 (Human Resources) \$61,612.67; 5502 (Airport Renewal and Extension Fund) 200301 (NDP Unallocated Citywide Employee Expense) 5212001 (Consulting/Professional Services) 154000 (Human Resources) \$20,087.76; and 5051 (Water and Wastewater Revenue Fund) 200301 (NDP Unallocated Citywide Employee Expense) 5212001 (Consulting/Professional Services) 154000 (Human Resources) \$17,072.67.

FAVORABLE

CFO Glass stated that the problem is that no one in the Finance Department remembers this. Councilmember Muller offered a motion to **Approve, 5 Yeas**.

Mr. Dave Walker: addressed the Committee by stating that he wanted to thank the voters who voted for him.

ADJOURNMENT

Having no further business before the Committee, the meeting was adjourned at 12:30 p.m.

Respectfully submitted,

Roosevelt Council,
Interim CFO

Charlene Parker
Recording Secretary

“The Department of Finance... because customer service is important to us.”